



Direct Dial: 917 374-0192

October 28, 2022

**By: Electronic Filing (ECF)**

Honorable Sean H. Lane  
United States Bankruptcy Court SDNY  
300 Quarropas Street  
White Plains, NY 10601-4140

Re: 96 Wythe Acquisition LLC; Case No. 21-22108 (SHL)

Dear Honorable Judge Lane,

My firm is currently appearing as co-counsel to Tarter Krinsky & Drogin, on behalf of the individuals Michael Lichtenstein and Toby Moskovits, the Management Company Williamsburg Hotel BK LLC and numerous companies subpoenaed by the Trustee pursuant to the Court's Rule 2004. We have produced well in excess of 20,000 pages of documents and are continuing to roll out the production. Although the Trustee believes otherwise, we have produced all the Trademark documents in our clients' possession and all the EIDL documents, two categories of documents of particular interest to the Trustee.

I am writing this letter because the Trustee recently filed a Motion to Compel, as the Trustee's counsel indicated they would do at the last conference, and noticed the motion on November 10, the date I specifically advised the Court I would not be available. As I told the Trustee's counsel, I will be out of the country until November 11 and returning to work on Monday, November 14. I understood the Court to explicitly acknowledge at the last conference that given my unavailability the issues raised in the Trustee's Motion to Compel would not be discussed on that date, when other matters are scheduled. Although my co-counsel may be available to respond to the issues in the motion and appear on November 10, I have been mostly involved with the production up to this point and my input is crucial to any response. While the Trustee's counsel has now consented to our request to adjourn the motion, Trustee's counsel indicated that they will seek to move forward with a conference in my absence.

Accordingly, we are seeking a 2-3 week adjournment of the motion, and would appreciate a conference with the Court, a reasonable time after my return, i.e., two weeks, before we serve our responsive papers, in order to update the Court as to our progress and possibly avoid the necessity for the motion.

Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to be 'FF' or 'Flomenhaft', is centered within a rectangular box.

Fern Flomenhaft